Getting Back on Track

By Allen W. Kimbrough, Executive Director

As you read this, you’ll note that the Maricopa Lawyer is very late off the press this month. That’s because of the fire, of course. But at least the delay allows us to timely picture the damage and to update you on the bar’s office status.

At this writing, the MCBA is back in business in the new temporary space, with new computers, new phones, and rented furniture. We have Web-access to our membership data, and by the time you’re reading this, we will have a new server and be completely up and running with computer files and individual e-mail.

There are some caveats.

Our paper files are being removed from the building by a fire restoration company and those that survived will be returned to us after special cleaning. One thing we’ve learned is that actual flames are only part of a fire’s devastating effect. The intense heat, smoke (and this was apparently a particularly smokey fire), and water involved do incredible damage through outright destruction, discoloration, soot and an intense smoke odor that penetrates everything.

Goal one now is to provide you, our members, with the programs and services you expect from your bar association. With a bit more of your patience as we re-group, we’ll be there ASAP!

Temporary Office Information:
2001 N. 3rd Street, Suite 204
Phoenix, AZ 85004-1439
602-257-4200
602-682-8601 (FAX)
Direct dial telephone numbers and individual e-mail are unchanged.
Free parking is in the south lot of the MCBA’s old building.

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Fire Strikes MCBA Again

Dear MCBA Member,

In the early morning hours of Thursday, Feb. 12, the Maricopa County Bar Association was the victim of an intentionally set fire. The blaze destroyed the work areas of a number of support staff, and the entire building suffered extensive smoke damage, water damage or both.

The Phoenix Fire Department is conducting a fulsome investigation of this incident, and we are confident that the responsible individual or individuals will be brought to justice.

Nevertheless, the MCBA opened for business again on Monday, Feb. 23, in temporary space located at 2001 N. 3rd Street, Suite 204. CLE programs, section, division, and committee meetings will be held in the new space going forward.

We are fully insured for this loss, which will entail the replacement of all furnishings and equipment in the building. Fortunately, our server is backed up offsite, and our website, e-mail and membership records are similarly secured.

We are grateful for our dedicated staff and the offers of help, condolences and support shown by our membership and the entire legal community. We ask for your patience as we rebuild.

We anticipate re-occupying the 303 East Palm Lane building in August of this year.

Sincerely,
Kevin D. Quigley, President

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Fourth Amendment Comes Into Play in Traffic Stops

By Daniel P. Schaack

This month we examine the Constitutional implications of two Arizona traffic stops. In one, the court held that Fourth Amendment protections do not trump officer safety. In the other, the court decided that the Fourth Amendment did not even apply.

Arizona v. Johnson

The United States Supreme Court issued a rare unanimous opinion on the scope of the Fourth Amendment’s protections against unreasonable searches and seizures in Arizona v. Johnson, No. 07-1122 (U.S. Jan. 26, 2009). The court clarified the power of police officers to conduct pat-down searches in automobile stops.

In 1968, the court held that an officer making an investigatory stop may frisk a person if the officer reasonably suspects that he is committing or has committed a crime and reasonably suspects that he is armed and dangerous. And in a traffic stop, everyone in the vehicle is effectively stopped, the court held in 2007.

Thus, the question: May an officer conduct a pat-down search of a passenger when it was the driver’s conduct—not the passenger’s—that provided the reasonable cause for the stop?

Officer Maria Trevizo was part of a gang task force patrolling a Tucson neighborhood one evening in April 2002. She and two fellow officers stopped an automobile because its registration had been suspended.

Three people were in the car, including Lemon Montrea Johnson, who was in the back seat for the traffic stop. Officer Trevizo conducted a pat-down search of the passenger and recovered a weapon.

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No Reason to Beware (the Ides) of March

Despite a somewhat bleak but often repeated historical reference to the 15th of the month, March has always been my favorite month of the year (with December and the corresponding holidays a very close second). You have the beginning of spring, the Barristers Ball, Spring Training, March Madness, the Barristers Ball, St. Patrick’s Day, the Barristers Ball... An all around wonderful month.

Historically, quite a bit happened in March. The Articles of Confederation were established in 1781. Congress authorized the first U.S. Census in 1790. Several presidents were born: Cleveland (1837), Tyler (1790), Madison (1751), Jackson (1767). Quig... We’ll skip that one, not so historic.

The Star Spangled Banner was adopted as our National Anthem in 1931. The Dred Scott Decision was issued in 1857. Congress approved daylight savings time in 1918. Patrick Henry demanded liberty (or death) in 1775. In 1794, the Navy was officially created. But, as of three years ago, March now also marked the anniversary of the passing of my brother, Major Thomas M. Quigley, U.S.M.C.

I think most people have a “brother Tom” or someone similar in their lives. They teach us the lessons that are so obvious they become the backdrop for cliché and bumper stickers: Assume no one is truly evil, but good down deep; Don’t sweat the small stuff—while “tit-for-tat” may have a certain aspect of immediate gratification, it doesn’t advance the mission or goal in the end; Try discussion before action to remedy a perceived wrong or misstep; Be a good person.

Tom was always at his core a good person and a true professional. He was always at his core a good person and a true professional. Tom was always at his core a good person and a true professional.

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Supreme Court Issues E-mail Address Requirements, Charge for Paper Minute Entries

New Court Requirements

Attorneys and other Superior Court customers will have new requirements to follow beginning this summer. The Arizona Supreme Court issued Administrative Order 2009-01 in response to the state’s significant budget problems and to proactively manage the state’s courts.

One change is a new requirement to provide an individual or firm e-mail address to the State Bar of Arizona that the filing attorney must include on all filings and pleadings on and after July 1, 2009. The designated e-mail address will be used to send attorneys court documents. The attorney or firm must provide the e-mail address to the State Bar of Arizona not later than July 1, 2009, and must be kept current with that organization thereafter. If an attorney’s e-mail address changes, the State Bar must be notified, in addition to the Clerk and other agencies that must be notified under court rule.

To be effective, an e-mail inbox must have enough memory available to receive e-mails from the courts. This will require organization and maintenance to ensure the designated e-mail inbox is available. It is important to ensure the designated e-mail address accepts e-mails from the Clerk and courts and that the messages are not inadvertently blocked by the e-mail service provider’s spam filters.

For the purpose of receiving electronic minute entries from the Clerk of the Superior Court, the Clerk’s Office requires that attorneys who are associated with a law firm all receive their minute entries at one firm-designated e-mail address, rather than sending the documents directly to individual attorney e-mail addresses.

Firms or sole-practitioner attorneys who have already designated an e-mail address to receive their minute entries electronically will continue to receive their court documents from the Clerk’s Office at the designated e-mail address on file with the Clerk. In addition to the mandatory e-mail address requirement, Administrative Order 2009-01 authorizes charging attorneys for the recovery of costs related to preparing and mailing paper minute entries. The Administrative Order permits the presiding judge and the Clerk of the Superior Court in each county to ask their board of supervisors to implement a “pay for paper” system.

Where the Clerk’s Office has the technology to distribute minute entries electronically, attorneys who wish to receive paper copies of minute entries may do so only upon paying a fee established by the board of supervisors. A specific fee has not been determined, but a proposal to the board of supervisors is anticipated before July 1, 2009.

In Maricopa County, attorneys or firms can receive their minute entries electronically now by completing a form, including providing a designated e-mail address to the Clerk’s Office. More information and the form for electronic delivery of minute entries in the Superior Court in Maricopa County are available online at clerkof-court.maricopa.gov/faxondemand/111.pdf.
Probate Bench Explains New Rules of Probate Procedure

By Thomas J. Murphy

On Jan. 22, 2009, the Maricopa County probate bench held a meeting with local probate practitioners to discuss the implementation of the new Rules of Probate Procedure, which took effect on Jan. 1, 2009. Participating in the meeting were a number of the attorneys who served on the committee that drafted the rules.

Rules 6 and 7

The new Rules 6 and 7 will have the most immediate impact on practitioners because a probate proceeding cannot be opened if Rules 6 and 7 are not complied with. Rule 7 creates a new class of confidential documents that require special handling. Rule 7 lists the confidential documents: probate information form; medical records; court orders; inventories; accountings; and credit reports.

The originals of these documents must each be placed in a separate envelope, one document per envelope. The envelope must be a 9x12 inch envelope. The face of the document per envelope. The envelope must be sealed if Rules 6 and 7 are not complied with. Rule 7 authorizes a party to provide copies to court investigators, court staff, parties of records and attorneys for the parties.

One of the confidential documents is the probate information sheet that contains significant information about the petitioner to obtain information about the ward, such as the ward's Social Security number, cell phone number or date of birth.

One issue raised concerned the inability of the petitioner to obtain information about the ward, such as the ward's Social Security number, cell phone number or date of birth. See Probate Bench Explains New Rules page 6
Welcome to the ‘Inside’ of the Paralegal Division

2008 President’s Report Highlights

By Kathryn Bunch, Immediate Past President

Scholarships
Awarded four $1,000 scholarships to paralegal students at the annual Paralegal Career Day.

Paralegal Career Day
Held at Phoenix College on March 8 and was open to all paralegal students and anyone interested in the paralegal profession. Attendees received valuable information on interviewing, networking, employment and other skills necessary to become a successful paralegal.

CLA Review Courses
Conducted Certified Legal Assistant (CLA) review courses for paralegals preparing for the rigorous two-day certification exam. The eight-week courses utilized volunteer services of certified paralegals and one attorney.

Speakers/Instructors
Division members were guest speakers for the paralegal programs at Phoenix College, and some are employed part-time as adjunct faculty, providing expert paralegal instruction to ABA-approved paralegal schools.

CLE Meetings
The division conducted quarterly CLE meetings that provided paralegals with one hour of CLE credit:

- **Date**: 3/18/2008
- **Speaker**: Lt. Colonel Rick Erickson, USMCR, Attorney at Snell & Wilmer L.L.P.

Topics JAG: Reconciling Military Operational Law and the CNN Factor
- **Date**: 6/17/2008
- **Speaker**: Christine French, President, Global Diversity Consulting LLC

Diversity and Inclusion
- **Topic**: Unlock the Secret of Success with Diversity and Inclusion

2008 marked the transition to the MCBA’s new website.

Recognition of Past Presidents
A past president’s luncheon was held in August to promote interaction between the board of directors and the division’s past presidents.

Website
- **Website**: http://www.maricopabar.org

2008 marked the transition to the MCBA’s new website.

Membership
Membership continued to grow in 2008. Paralegal student informational events were held at Everest College and Phoenix College to distribute information about the division.

- **Website**: http://www.maricopabar.org
- **Topic**: Intellectual Property and Its Protection
- **Topic**: The Basics

Each month it is our responsibility to fill the news page with interesting articles and information on upcoming events. You are invited to help us achieve this monthly goal.

Do you have a topic you would like to write about? Perhaps there is a new law or a change in a law you feel will impact paralegals. If you are interested in writing an article, please send me an e-mail at mzachow@swlaw.com.

We will verify there is not another article already being written on the same topic. Paralegal students are welcome to submit articles also. Please let us know what types of articles and other information you would like to see included on our news page.

The news page is coming at a great time as the upcoming months promise to be a busy time. This news page will provide a new avenue of communicating with our membership and will help increase awareness of upcoming events.

In March there are two events scheduled. Paralegal Career Day, on March 7, will feature a panel discussion, networking session, John Nicks, a recruiter from Biltmore Legal, and six $1,000 scholarships will be awarded.

Electronic Discovery will be presented by Barb McCloud, a partner at Snell & Wilmer LLP, at the Quarterly Division Meeting at noon (lunch will be provided) on March 12. Check out the Calendar of Events to ensure you don't miss out on any of the other upcoming Paralegal Division activities.

We have the date, the theme and the place for this year’s annual conference. It is not too soon to mark your calendars for the 10th Annual MCBA Paralegal Division Conference, “Building Our Legacy: A Decade of Growth.” The conference will be held on Sept. 25 at the Phoenix Civic Plaza.

The conference committee is hard at work lining up speakers, vendors, picking the menu, and yes, lots of door prizes. This year's conference promises to be the best conference yet.

The board of directors and committee chairs are hard at work making this Paralegal Division accommodating and insightful for its members. If you would like to become involved with any of the committees, please visit our web site.

For more information on the Paralegal Division, division committees, quarterly division meetings and online registration for Paralegal Career Day, go to our website at www.maricopabar.org and click on the “For Paralegals” link.

Calendar of Events

**March**
- 3 Tuesday Conference Committee Meeting
- 7 Saturday Paralegal Career Day – Phoenix College
- 9 Monday Board of Directors Meeting
- 12 Thursday Quarterly Division Meeting
  - Topic: Electronic Discovery
  - Time: Noon – Lunch Provided

**April**
- 7 Tuesday Conference Committee Meeting
- 13 Monday Board of Directors Meeting
- 18 Saturday Bowling Outing
  - Time: 4 pm – 7 pm
  - Location: AMF Square Peaks Lanes, 3049 E. Indian School Road, Phoenix

**May**
- 5 Tuesday Conference Committee Meeting
- 11 Monday Board of Directors Meeting
Thou Shalt Help Law Students and Young Lawyers

YLD President
LaShawn Jenkins

In February, the YLD Mock Interview Committee, led by its chair, Richard Siever, coordinated over 60 interviews of students at the Sandra Day O’Connor College of Law, and over 20 interviews of students at the Phoenix School of Law. More than 25 lawyer volunteers of varying ages, from public and private practice, conducted the interviews. At the end of each interview, the volunteer lawyer evaluated the interviewee’s performance and provided the interviewee with advice on ways to improve his or her interview skills. The Mock Interview Committee extends a huge thanks to the lawyers who volunteered.

In addition to enhancing law students’ chances of landing a job, one of the YLD’s goals is to ensure that we are providing young lawyers with practical advice on career development. In this regard, here are 10 tips which may help young (and seasoned) practicing attorneys move their careers to the next level:

■ Take some time (regardless of billing pressures) to get out of the office and make new contacts. Keep in touch with your classmates and other contacts through alumni directories or by using LinkedIn, Facebook or some other free networking program. This will better position you to generate business and provide you with better career options.

■ Discipline yourself to set up a contact management system and be conscientious about follow-up.

■ Learn how to use your style strengths to build relationships both inside the office and outside with clients and possible referral sources.

■ Find someone in the firm or department, even if there is no formal mentoring program, who you can be comfortable asking “how things work here” and about “unwritten rules.”

■ Ask—nicely—for feedback periodically and when you need it. Don’t expect senior lawyers to automatically give feedback frequently. You need to ask and explain—nicely—how feedback will make you more productive than the “sink or swim” method of training.

■ Try to follow the Golden Rule. Learn to see each situation from another person’s perspective. Think about how you can make senior lawyers more successful and your clients more successful. Then, they will find you valuable to keep around.

Learn to explain what you do as a benefit to people—not a set of technical skills or areas of practice. Summarize this in your marketing statement or “elevator speech.”

■ Focus on your professional development and keep learning. Take advantage of in-house trainings. Attend outside CLEs that address developments in your practice area. Learn about the economics of a law firm, how clients view their outside counsel, or ways to enhance efficiency within your department or agency. This is crucial for understanding the context of the environment you operate in and how your expectations and demands are viewed.

The YLD hopes that these tips will assist you in your career development. One way to implement a couple of these tips is to . . .

In addition to providing a great one-hour, out-of-office opportunity through the Mock Interview Committee in February, the YLD also sponsored a nice, one-hour CLE on direct and cross-examination to enhance the skills of litigators. (Of course, you’re thinking the same thing that the YLD was when it came up with this line-up of February events—one word—Boo!)

In any event, please check out the MCBAs E-News for YLD events happening in the month of March, and plan to participate. If you are interested in supporting the YLD in any aspect, please do not hesitate to contact me at ljenkins@quarles.com (please include YLD in the subject line) or (602) 229-5200.

The tips in this article are based on those recommended by the Practice Development Counsel.

Probate Bench Explains New Rules

continued from page 4

The probate registrar stated that, at this time, incomplete probate information sheets would be accepted although, at some unspecified future date, this will change and the full and complete information sheet will be required. Similar personal information is required of the nominated fiduciary (and not the petitioner). Questions were raised as to what disclosures are required of professional fiduciaries. If a corporate fiduciary is nominated, then the company’s information, such as its certification number, will be used instead of the SSN or home phone number of the employee who is acting on the fiduciary’s behalf.

Lawyers’ Fee Petitions

Lawyers’ fee petitions (no longer called fee applications) were also discussed at length. These are governed by the new Rule 33. The former Local Rule 5.7 (as well as the entire Local Rule 5) has been rescinded via Administrative Order 2008-160. Rule 33 specifically allows for non-hourly fees, such as flat fees or contingent fees.

For any flat or contingent fee, the probate bench expects a detailed explanation of the work done and results obtained. Simply stating that the contingent fee is within prevailing local standards of practice will not suffice.

Members of the drafting committee explained that the authority for fixed fees is intended to deal with the drafting of petitions that, in many instances, will not vary significantly from case to case, such as an informal decedent’s estate or an uncontested guardianship. In other words, charging a flat fee to open a probate is acceptable.

Considerable discussion was generated by the concerns expressed by court-appointed counsel in guardianship and conservatorship proceedings. Rule 35 does not specifically cover fees for court-appointed counsel. This was apparently an oversight that was inadvertently deleted and will be subsequently added. This will not override the statutory authority for fees to court-appointed counsel set forth in A.R.S. § 14-5314 & -5414.

The new Rule 33 specifically states that attorneys for personal representatives are not required to file fee petitions. The comments to the rule state that fee petitions are not required in all cases. But while personal representatives are specifically exempted, no mention is made of attorneys for guardians, conservators or wards.

Members of the drafting committee explained that the intention is not to require fee petitions when no accounting is required. In many decedents’ estates, the accounting is waived. To require a fee petition was, in the committee’s opinion, a wasted and needless expense. The committee members explained that the basic concept is that if an accounting is submitted, then a fee petition should accompany it.

Sale of Real Estate

Rule 9(d) governs court approval of the sale of real estate. The new rule does not require posting notice on the properties or notice by publication, contrary to the old Rule 5.11. However, subparagraph (d)(2) permits a court to require either or both. The probate bench did not commit either way but suggested that, until procedures are firm in place, previously established practices should be followed.

First Annual Conservatorship Accounting

Rule 30(b) changes the time periods for the first annual accounting for a conservatorship. The probate bench confirmed that the first annual accounting must be filed by the first anniversary of the conservator’s appointment. This means that the first accounting will only cover a nine-month period so that the accounting can be filed by the first anniversary. It was also pointed out that the anniversary dates from when conservator’s letter were actually issued (i.e., when the bond and the conservator’s acceptance have been filed) and not from the date of the hearing that approved the appointment.

Rule 30(b) also requires that copies of the monthly bank and brokerage statements that correspond to the accounts listed in the accounting’s ending balance must be included with the accounting. However, the probate bench stated that copies of these monthly statements are only required to be submitted to the court accountant. They do not have to be included in the copies of the accounting provided to other interested parties.

Annual Guardian Reports

Rule 30(c) requires annual guardian reports, but the conservator’s estate management plan is no longer required. However, all conservators who were appointed prior to the effective date of the new rules are under a court order to submit the estate management plan. The question was raised as to which governs: the new rule or the existing court order? While there was some disagreement among practitioners, the probate bench stated that motions should be filed to vacate the portions of those orders requiring the plans.

The appendix to new rules set forth the forms of order to personal representatives, guardians and conservators that must be signed prior to appointment. These are familiar to Maricopa County probate practitioners, where the orders have been in use for several years. But the forms have now been slightly changed and practitioners need to amend their forms in order to reflect this.

The new rules are something of a moving target. There were a number of revisions after the initial passage. There are four more petitions for amendments now pending before the Supreme Court. While these revisions are all of a minor nature, this means that the version contained in the current (purple) West probate practice book is not entirely accurate. The Supreme Court website has the most up-to-date versions.

The meeting concluded with the probate bench emphasizing that the new rules were not intended to dramatically change existing probate practices and that, when in doubt, practitioners should revert to established procedures.
Some Rules are Meant to be Broken

During the presidential inauguration in January, Chief Justice John Roberts asked President Obama to “solemnly swear that I will execute the office of the president of the United States faithfully,” instead of following the written oath, which says “solemnly swear that I will faithfully execute the office of the president of the United States.”

This apparent flub sparked lots of chatter in the media about modern grammar and style. For instance, Steven Pinker opined in The New York Times that the chief justice moved the word “faithfully” unconsciously because he has a “habit of grammatical niggling”; his brain would not allow him to read a sentence that split the verb “will execute” with an intervening adverb. This leaves us legal writers with one question: Was Chief Justice Roberts right?

As with most legal problems, the answer is “it depends.” Some grammar and style books prohibit splitting verbs, while other books call it an archaic style rule. Because style rules vary with audience and even change over time, a legal writer needs to consider her audience when deciding which rules to follow and which to break.

On the one hand, many law review style manuals prohibit split verbs, so the author of a law review article should work to eliminate split verbs. On the other hand, a client is more interested in clarity than grammar and style rules, and a legal writer can (and should) break style rules that impede understanding.

Following are three other style rules that are sometimes meant to be broken according to the Aspen Handbook for Legal Writers:

1. Do not split infinitives.

This archaic style rule is similar to the rule against splitting verbs. In fact, an infinitive is the word “to” plus a verb (to go, to argue). A split infinitive contains an adverb between the word “to” and the verb (to boldly go, to forcefully argue). Split infinitives are common in popular media and culture, and many modern legal writing experts agree that using them is fine in most contexts.

In fact, a split infinitive is a good persuasive writing tool if the writer wants to emphasize the adverb. Think of “Star Trek.” What sticks with us is that those men and women (and aliens) boldly went where no man had gone before!

2. Do not end a sentence with a preposition.

This archaic style rule can be hard to follow. Although rewriting a sentence will help avoid this type of ending, sometimes the rewrite may end up hampering the reader’s ability to comprehend the sentence. This quotation attributed to Sir Winston Churchill illustrates the conundrum nicely:

“Ending a sentence with a preposition is something up with which I will not put.”

3. Do not start a sentence with a conjunction.

A conjunction is a connective word, such as “and,” “but,” and “yet.” As with split infinitives, using conjunctions to start a sentence is popular in modern media. For legal writers, starting a sentence with a conjunction might be a helpful, persuasive tool for drawing attention to a sentence as long as the writer does not break this rule often in her writing.

But this leaves us with another question. What is the difference between grammatical and style? I will gladly tackle this issue in a future column.
**HOOKED:** LEGAL AND ETHICAL IMPLICATIONS OF RECENT ADVANCES IN ALCOHOL AND DRUG ADDICTION RESEARCH

**FRIDAY, APRIL 10, 2009**
9 A.M. TO 4:30 P.M.

SANDRA DAY O'CONNOR U.S. COURT HOUSE
401 W. WASHINGTON ST./ PHOENIX
FREE AND OPEN TO THE PUBLIC, BUT PRE-REGISTRATION IS SUGGESTED.

This conference will feature leading national and local experts in science, law and ethics providing different perspectives on drug and alcohol addiction and how this problem is being and should be addressed by the courts in light of important new scientific developments. Topics include:

* GENETIC PREDISPOSITION TO ALCOHOLISM
* BRAIN ABNORMALITIES IN DRUG AND ALCOHOL ADDICTS
* THE ETHICAL USE OF NEW DRUGS AND VACCINES TO TREAT SUBSTANCE ADDICTION
* BRAIN-SCANNING TECHNOLOGY THAT MAY BE ABLE TO DETECT ALCOHOL AND DRUG USE AND MANAGE SYMPTOMS

This is the third in a series of biennial conferences on subjects relating to the brain and the law, sponsored by the Center for the Study of Law, Science, & Technology at the Sandra Day O'Connor College of Law and the Lincoln Center for Applied Ethics at Arizona State University. It is intended for judges, attorneys, scientists, mental health and addiction specialists, scholars, educators and other interested people.

For details and to register, go to www.law.asu.edu/brainaddiction or contact Andrew Askland at sandy.askland@asu.edu or (480) 965-2465.

Additional funding from the Steele Foundation

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**MARCH 2009**

All events are held at the MCBA headquarters at 2001 N. 3rd St., No. 204, Phoenix, unless otherwise noted. Also check www.maricopabar.org or call (602) 257-4200.

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<tr>
<th>Date</th>
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<tr>
<td>3</td>
<td>Paralegal Conference Committee 5:30 p.m.</td>
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<td>5</td>
<td>Construction Law Section Board 12 p.m.</td>
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<td>6</td>
<td>Estate Planning, Probate &amp; Trust Section Board 7 a.m.</td>
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| 7    | Paralegal CLA Review Class 8 a.m.  
Paralegal Career Day 8 a.m. – Phoenix College  
Barristers Ball 6 p.m. – W Hotel, Scottsdale |
| 9    | Young Lawyers Division Board 12 p.m.  
Paralegal Division Board 5:30 p.m. |
| 10   | Public Lawyers Division Board 12 p.m. |
| 11   | Environmental & Natural Resources Law Section Board 12 p.m. |
| 12   | Paralegal Quarterly Meeting & CLE: “Electronic Discovery” 12 p.m. |
| 14   | Paralegal CLA Review Class 8 a.m. |
| 16   | CLE: Fascinating Jewish Trials That Changed History: The Leo Frank Case 12-1 p.m. |
| 18   | Employment Law Section Board 12 p.m.  
Lawyer Referral Committee 12 p.m. |
| 19   | CLE: Where There Isn’t a Will, There’s a Way 7:30 a.m.  
MCBA Board of Directors 4:30 p.m. |
| 20   | MCA Foundation Board of Trustees 7:30 a.m. |
| 25   | Criminal Law Section Board 12-1 p.m. |
| 26   | CLE: Litigators Toolbox 12 p.m. |
| 27   | Corporate Counsel CLE Lunch 12 p.m. |

*Please watch your MCBA E-News for updated information about meetings and events.*

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**Who the Construction Industry calls when they need an Arbitrator or Mediator.**

Bill Haug has represented clients in construction related disputes for more than 50 years. He brings this experience in construction law to the process of dispute resolution, serving as mediator or arbitrator as an alternative to litigation.

**Contact Bill Haug directly about mediation or arbitration services at 602-234-7806.**

Jennings, Haug & Cunningham is a litigation law firm with extensive trial, litigation management, dispute resolution and complex litigation experience. The firm’s attorneys focus in areas of financial institution litigation, construction and contract litigation, personal injury, employment, and municipal risk litigation for businesses and individuals. For more information, visit www.jhc-law.com.

2800 N. Central Ave • Suite 1800 • Phoenix, AZ 85004-1049 • 602.234.7800
Movin’ On Up: Justice Gets a New House

Too Much Like a Jail

It was a motley procession that made the somber march from the commodious, if somewhat deteriorated, old jail on Jefferson to the upper floors of the new Maricopa County Courthouse on Wednesday, Aug. 28, 1929.

The 117 men and 6 female prisoners carried their bundled possessions to their new quarters with some initial misgivings. Although they were warmly greeted by Jill the jail cat upon their arrival, more than a few of the new residents complained that the new facility was “too much like jail.”

The new detention center, at 125 W. Washington, was the largest and finest in Arizona. Located on the sixth and seventh floors of the new courthouse, Sheriff Charles H. Wright’s new jail could accommodate up to 350 prisoners. Thought to be “escape-proof,” the steel used in the new cells would require one man using 1,742 hack saws over 50 days to cut through one bar. The fifth floor of the building was set aside for juveniles, kitchen and hospital facilities, guards’ rooms and a hold-over cell. Mrs. Wright served as the jail matron.

Delayed Occupancy

The opening of the new jail and the courthouse had been delayed several months.

Originally, the courthouse and jail were intended to be occupied in early May, along with the adjoining Phoenix City Hall offices.

Unfortunately, shortly before delivery of the county’s furniture for the new building during the first week of April, the Arizona Supreme Court ruled that the contract for furniture, flooring and window coverings had been awarded by the county as a result of a flawed bidding process. Apparently, bids had been solicited without adequate specifications, without reasonable time to respond, and including somewhat odd instructions (e.g., “furniture bids are to be for no more or no less than $47,000”).

The county was forced to seek new bids and allow appropriate time for responses. Even though the construction was to be complete May 1, and the city began using its part of the new building on May 10, the lengthy bid process pushed the occupancy date for the courthouse out until the opening of the fall session of the Superior Court, beginning in early September.

In the meantime, county offices were dispersed to rented accommodations throughout the downtown area. A temporary Superior Court for all three divisions, including Judge Marlin T. Phelps, Judge Joseph S. Jencles and Judge Dudley W. Windes, was established in a space on the southwest corner of Third Avenue and Adams.

Crime and No Punishment

In spite of these temporary quarters, the volume of activity in the county’s courts set new records for that time.

According to Walter S. Wilson, clerk of the court, activity in the courts was up 25 to 30 percent over the same period in 1928. For example, in the slow summer month of July, the clerk’s office collected just over $5,000 in fees and processed 175 civil complaints (including among others 14 tort damage claims, 15 garnishments/attachments, and 41 contract claims); 58 criminal complaints (8 drunk driving, 4 burglary/robbery cases, 15 probation violations, 2 murder, 3 assault, 33 frauds and 26 miscellaneous); 62 divorce filings; 44 probates and 32 juvenile matters.

Not everyone saw this increase in county court revenues as a good thing. Confronted with this rising workload in criminal cases, working from temporary accommodations and anticipating another miserably hot summer of long days in stifling courtrooms, the county’s beleaguered chief deputy county attorney, Benton Dick, offered a bleak assessment of the state of Maricopa County justice. Upset by what he called an “appalling number of acquittals,” especially for infractions of the state prohibition laws, he told reporters that “justice in Maricopa County is not being served and the foundations of criminal law enforcement are being undermined.” Dick noted that all kinds of crime were on the increase and called the five murders between April 16 and May 10 “astounding.” His conclusion was that because of the overloaded courts and failure of jurors to act on the evidence to convict, “conditions in Maricopa County are the worst in its history in so far as crime is concerned.”

Fresh Recruits

Despite, or perhaps in response to, this increase in criminal activity, reinforcements in the form of the largest batch of newly minted baristas were about to enter the fray. One such young legal warrior was Charles Bernstein.

Just a week prior to deputizing Dick’s dramatic diagnosis of the county’s criminal woes, Bernstein, along with 46 other young men and women, made their way to the chambers of the House of Representatives in the State Capitol where they sat for the grueling two day bar examination.

The exam, drafted by the three members of the Board of Bar Examiners, consisted of 100 questions. At least 75 questions had to be answered correctly to pass the test. Examiner Judge P.W. O’Sullivan of Prescott presented questions on evidence, contracts, pleadings, and real property; while Examiner John L. Hust of Phoenix focused on constitutional law, mining law, and probate; and Examiner Frank E. Curley of Tucson drafted the questions on criminal, corporations and irrigation law.

Bernstein hoped to sit for the grueling exam on Thursday and Friday, and to be among the successful candidates to be sworn in during the open session of the state Supreme Court on Saturday. Before long, the young lawyer would make his mark on the Maricopa County legal system as a Superior Court judge and Chief Justice of the Arizona Supreme Court.

New Digs

A few months after the bar exam, and after a week of moving, the new courthouse officially opened, when on Saturday, Aug. 31, Judge Phelps issued a TRO restraining the county board of supervisors from levying taxes on the Roosevelt Water Conservation District, received a not guilty plea and handled a sentencing.

At the conclusion of the brief proceedings, the judge “officially and legally designated the new courthouse as the place of business for Maricopa County.” Although the clerk had issued one marriage license and accepted one divorce filing the previous week, the rest of the courthouse was not fully open for business until Tuesday, Sept. 5, and the new court session did not begin until the next day.

The first criminal trial held in the new courthouse that Wednesday morning was the drunk driving case of local chiropractor, Dr. Jerome S. Cranke, who had been arrested May 30. He presented evidence that he had suffered a heart attack that day and had taken digitalis which resulted in what appeared to be a drunken stupor.

A re-invigorated and grateful deputy county attorney Dick presented 5 witnesses that convinced a jury to convict Dr. Cranke after deliberating for 18 minutes. The first civil trial in the new halls of justice was apparently an automobile tort claim for $900 in damages in E.R. Brown v. Yellow Cab.

Observers noted the luxurious accommodations in the new courtrooms located on the second and third floors (new furniture for the justice courts on the lower floors had been inadvertently omitted from the re-bid and these smaller courtrooms were temporarily left with repainted old furnishings). The divisions of the Superior Court were furnished in hard walnut, while chairs for jurors, lawyers and staff were upholstered in “genuine dark blue leather.” A brass foot rail was provided for the jurors comfort during extended periods of sitting.

Behind Judge Phelps’ walnut bench in Division One, was a large rectangular panel of walnut in which the scales of justice and the letters M.C. (for Maricopa County) were carved. Judges Jencles and Windes were overseen by solid walnut carvings of Justice and Mercy. The judge’s chambers were finished in mahogany and located directly behind the bench.

A little more than a month later, the new courthouse was formally dedicated with much fanfare in a joint celebration of the 50th anniversary of Edison’s discovery of the electric light. Thousands attended the Oct. 21, 1929, event. Only occasionally did the hoots and jeers from the prisoners observing from above cause distraction.

The $1.5 million dollar edifice was recognized as one of the southwest’s finest architectural feats. Gov. John Phillips and others praised it as “a landmark to the prosperity of the Salt River Valley” and as a representation of the “epochal transition of Phoenix from a small town to a great city.”

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Mr. Hirsch will continue his bankruptcy practice in debtor representation, creditor representation, bankruptcy litigation, and bankruptcy appeals.

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has also joined the firm as an associate in our Flagstaff office.

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Fourth Amendment Comes into Play in Traffic Stops

continued from page 1

seat. The officers initially had no reason to suspect any criminal activity. One of the officers instructed the occupants to keep their hands visible and asked whether there were any weapons in the car; the occupants all responded no. The officer then had the driver get out of the car. A second officer dealt with the front-seat passenger, and Trevizo approached Johnson in the back seat.

Trevizo had noticed that Johnson kept cowering the officers. He wore clothing that indicated to her that he was a member of the Crips gang. He also had a police scanner in his jacket pocket, and this concerned Trevizo because she believed that people generally would not carry around a scanner “unless they’re going to be involved in something a kind of criminal activity or [are] going to try to evade the police.”

Johnson gave Trevizo his name and birth date, but he was carrying no identification. He told her that he was from Elroy, a place that Trevizo knew to be home to a Crips gang. Johnson also admitted that he had recently been in prison on a burglary conviction.

Trevizo decided to remove Johnson from the car to question him out of earshot of the front-seat passenger. He complied with her request to get out of the car. Suspecting that Johnson might be armed, Trevizo patted him down and felt the butt of a gun near his waist. Johnson struggled, but Trevizo cuff ed him. Weapons charges were leveled, and Johnson moved to suppress the evidence as the fruit of an unlawful search. The trial court concluded that the stop was lawful and that Trevizo had cause to suspect Johnson was armed and dangerous. Johnson was convicted of the gun-possession charge.

A divided panel of the Division Two of the Arizona Court of Appeals reversed. State v. Johnson, 217 Ariz. 58, 170 P.3d 667 (App. 2007). Recognizing that “Johnson was lawfully seized when the officers stopped the car,” the majority nevertheless concluded that the detention had “evolved into a separate, consensual encounter stemming from an unrelated investigation by Trevizo of Johnson’s possible gang affiliation.”

With no “reason to believe Johnson was involved in criminal activity,” the court held, Trevizo “had no right to put him down for weapons, even if she had reason to suspect he was armed and dangerous.”

Judge Espinosa disagreed, dissenting that the episode had evolved into a consensual encounter. Trevizo, he believed, “had a reasonable basis to consider [Johnson] dangerous,” and could therefore conduct a pat-down for her safety and that of others at the scene.

The Supreme Court granted certiorari and reversed in a unanimous opinion by Justice Ruth Bader Ginsburg. Referring to previous Supreme Court opinions, she noted that traffic stops are especially dangerous to police officers and that having police officers routinely exercise unquestioned command of the situation greatly reduces the risk of harm to both the police and the occupants of the stopped vehicles.

Thus, the court held in 1977 that officers may order the driver out of the car after making a legitimate stop because the great interest in officer safety outweighs the minimal additional intrusion of requiring a stopped driver to exit the vehicle. And once they have the driver outside the vehicle, they may conduct a pat-down search if the driver “might be armed and presently dangerous.”

Twenty years later, the court extended that holding to passengers. It concluded that the interest in officer safety did not differ when the possible threat came from a passerby, even though the reasons for the stop itself focused on the driver, not the passenger.

After stating this background, Ginsburg rejected the Arizona court’s conclusion that Officer Trevizo had changed the character of the traffic stop when she started questioning Johnson about things unrelated to that stop.

“An officer’s inquiries into matters unrelated to the justification for the traffic stop,” Ginsburg wrote, “do not convert the encounter into something other than a lawful seizure, so long as those inquiries do not measurably extend the duration of the stop.”

“[A] traffic stop of a car,” she continued, “communicates to a reasonable passenger that he or she is not free to terminate the encounter with the police and move about at will.” Trevizo’s encounter with Johnson was no different.

“Nothing occurred in this case that would have conveyed to Johnson that, prior to the frisk, the traffic stop had ended or that he was otherwise free to depart without police permission.”

“Officer Trevizo,” she concluded, “surely was not constitutionally required to give Johnson an opportunity to depart the scene after he exited the vehicle without first ensuring that, in so doing, she was not permitting a dangerous person to get behind her.”

The Supreme Court remanded the case to Division Two, explicitly allowing that court to reconsider what it had simply assumed in its own opinion: that Trevizo had reasonable suspicion that Johnson was armed and dangerous.

United States v. Al Nasser

How does the Fourth Amendment apply to a traffic stop where the police did not want or even attempt to stop the defendant’s car? In United States v. Al Nasser, No. 05-10466 (9th Cir. Feb. 4, 2009), the Ninth Circuit held that constitutional protections did not even come into play.

One dark night, a Border Patrol agent patrolling a lonely stretch of highway north of the Mexican border in the Yuma District of Arizona stopped a pickup truck, suspecting that it was carrying illegal aliens. It was not, but it did have alcohol, which was prohibited in that area of the reservation, so he called a tribal officer to the scene.

Along with the tribal officer, another Border Patrol officer also arrived. While they were all there, a second car approached. One of the Border Patrol officers shined his flashlight at the car for his own safety, since it was dark and he was wearing dark clothing. When he did so, he saw people hiding on the floor. (He had a good view: he is six feet nine.)

Suspecting that the car was transporting illegal aliens, the officer pulled it over. Now there were five vehicles stopped on this lonely stretch of road: three Border enforcement vehicles with their emergency lights flashing and two private vehicles.

At this point, Karim Hussein Al Nasser approached in his car. The tall officer again shined his flashlight, again only intending to warn of his presence. The Border Patrol officers suspected that the vehicle had illegal aliens, but because they already had their hands full, they decided that they would let it pass.

But Al Nasser stopped anyway, in the middle of the road. The tall officer saw more people in Al Nasser’s car. These passengers told the officers that they had paid over $1,000 to have Al Nasser smuggle them into the United States. Al Nasser was charged with knowingly transporting illegal aliens.

He moved to suppress the statements of his passengers, arguing that they resulted from an illegal seizure. His motion was denied and he was convicted. The Ninth Circuit affirmed in an opinion by Judge Andrew J. Kleinfeld.

Kleinfeld posed the question up front: “[I]f a reasonable person would think that he was being stopped, then [is] the person . . . ‘seized’ within the meaning of the Fourth Amendment, even if the police do not want the person to stop and intended for him to go on about his business without stopping?” The answer turned out to be “no.”

“Before asking whether a reasonable person would have thought he was being stopped,” Kleinfeld wrote, “a court must ask whether the police in fact stopped him.” Objective facts, he continued, do not always answer that question. “The government does not violate a person’s liberty when a person stops of his own accord, without the police wanting him to do so.”

After stating this background, Ginsburg wrote, “The law,” Kleinfeld explained, “requires that Johnson was lawfully seized when the officers stopped the car.”

“A traffic stop of a car,” she continued, “communicates to a reasonable passenger that he or she is not free to terminate the encounter with the police and move about at will.” Trevizo’s encounter with Johnson was no different.

“Nothing occurred in this case that would have conveyed to Johnson that, prior to the frisk, the traffic stop had ended or that he was otherwise free to depart without police permission.”

“Officer Trevizo,” she concluded, “surely was not constitutionally required to give Johnson an opportunity to depart the scene after he exited the vehicle without first ensuring that, in so doing, she was not permitting a dangerous person to get behind her.”

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OPINION

Misconceptions of Foreclosure and Bankruptcy: Law vs. Common Sense

By Mark A. Winour

The “win-win” philosophy is widely acclaimed in business, sales, and psychology. It is also a popular negotiation philosophy. Of course, it doesn’t seem to work well in sports. I am reminded of a t-shirt I saw at a track meet that advertised: “Second Place is the First Loser.” I am sure many of you would agree that many times in litigation, first place is in reality the first loser.

As the parties battle for legal victories, common sense is often abandoned resulting in financial, emotional and spiritual loss on both sides. That is assuming, of course, that there was any spirituality to begin with.

I find this “lose-lose” mentality is one of the causes of our housing crisis. I am astounded at the misguided attitude of many lenders. Like a reckless child they stubbornly pursue positions to their own detriment while leaving a trail of devastation to our neighborhoods and the lives of many good people. Quite frankly, I just don’t get it.

For example, a couple of years ago, a slick-talking loan agent sold a negative amortization loan to Julie (name changed), a single woman with three foster children. The payment was very affordable… at the time.

Through the stacks of paperwork, Julie didn’t understand the payment was only temporarily affordable. She also didn’t realize the loan was growing as a result of the unpaid interest. Then, as the affordable loan transforms into a hungry beast devouring her income, she hires an attorney and discovers RESPA and TILA violations.

Meanwhile, the housing market falls into a dangerous freefall, arguably caused in part by numerous loans of the very type peddled to Julie. The lender geared up for legal battle and settlement discussions ensued. But rather than using common sense, the lender entrenched itself in legal footholds and began preparing its artillery. This, of course, takes time.

The housing market continued to tumble and Julie woke up one morning to discover houses in her neighborhood selling in foreclosure for half of the amount of the loan offered by the lender in settlement. So, Julie uses her common sense and retreys by surrendering to the lender yet another house to sit vacant in its already over-loaded stockpile.

Another example: Lane and Dorothy (again, names changed) have an adjustable rate mortgage with a payment that is now too large to handle. The lender informs them that in order to consider a loan modification they must be behind in their payments. That is an easy request to accommodate since Lane has also had his income slashed by 25 percent by a struggling employer.

A representative in the lender’s loss mitigation department picks up the case and works on a loan modification. This, of course, takes time. A lot of time. Enough time that the lender sends out a Notice of Trustee’s Sale to protect itself. As the date of the sale approach-es, the lender’s representative assures Lane that the trustee’s sale date will be postponed.

However, the bureaucratic right hand has no idea what the left hand is doing and the house is taken by the lender at the trustee’s sale. One would think that common sense would dictate some kind of simple fix since the lender’s representative in the loss mitigation department intended to keep Lane and Dorothy in their home with a loan modification.

No way. You see, the matter had now switched departments.

In a further common sense approach to save his house, Lane gets an investor willing to buy his house from the lender a little below current market value. The investor is interested because he has a good tenant willing to buy the house from him at a higher price.

But the lender, with obvious disregard of common sense, clutches to a sales price the investor is unwilling to pay. The investor pulls out, Lane and Dorothy lose their home, and the lender gets a property back that likely sat vacant in a declining market. But the law was on the side of the lenders.

Almost every day I see examples of lenders abandoning common sense because of their legal rights. Short-sales fall through because lenders unreasonably stand on their right to pursue the deficiency only to push the debtor into bankruptcy.

Or worse yet, lenders foolishly demand that the seller agree to be responsible for some or all of the deficiency in order for the short-sale to close despite the seller’s protection by our Anti-Deficiency Statutes. The lender turns it back on recovering some of its money in a short-sale and exercises its right to foreclose, thereby incurring more expense, recovering none of the deficiency and adding more house to sit unproductive in the foreclosure portfolio.

I see the advertisements from lenders and hear their executives talk about what they are doing to help our failing economy and housing market.

Maybe if they would stop for a moment and use some common sense… just maybe.

Disclaimer: The MCBA does not necessarily endorse the views expressed in this article.

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YLD Gears up for Law Week

April 25-May 1. This year, the American Bar Association's Law Day theme, which will also be Law Week's, is "A Legacy of Liberty—Celebrating Lincoln's Bicentennial."

Along with the planning committee, Sloma is organizing the Ask-a-Lawyer and Phone-a-Lawyer events, which make legal consultations available to the public; an essay contest for sixth to eighth graders; and a May 1 CLE and social for all YLD members.

Membership in the YLD is free of charge to all MCBA members who are under the age of 37 or who have been practicing law for less than three years. If you're interested in volunteering for Law Week events, particularly the two public service events, contact Sloma at msloma@jcdlawgroup.com.

Led by Law Week Chair Melinda M. Sloma, the MCBA Young Lawyers Division is making plans for the events of Law Week.

Volunteer Lawyers Program

Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for accepting 32 cases during the past month.

VLP supports pro bono service of attorneys by screening for financial need and legal merit and providing primary malpractice coverage, donated services from support professionals, training, materials, mentors, and consultants. Each attorney receives a certificate for MCBA for a CLE discount.

For information about cases and other ways to help, please contact Pat Gerrich at VLP at (602) 254-4714 or pgerrich@claz.org.

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MARCH 2009 • 13
Fascinating Jewish Trials that Changed History
MARCH 16 • The Leo Frank Case
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12-1 P.M. (Lunch included)
1 credit hour EACH

LOCATION:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

THE LEO FRANK CASE (1913-1915)
The murder of 13-year-old Mary Phagan in Atlanta that was blamed on an highly-assimilated Jewish factory owner, whose conviction resulted in death by lynching.

THE JONATHAN POLLARD CASE (1985 -)
The controversial espionage case of a former U.S. Navy intelligence analyst charged with spying on the U.S. for Israel, who pled guilty and received a life sentence for which he remains in prison to this day.

The presenter will examine the historical, political, economic, and religious influences during the periods in which these landmark cases emerged to provide a greater appreciation of the interplay between history, politics and law. These cases transcend the history of the specific act or allegation, such that they are transformed into an "affair" so powerful that they fractionalized families, communities, nations, and even the world.

PRESENTER: Amy Hamborg Lederman, J.D., M.S., J.Ed.

SPONSORED BY: Anti-defamation League

COST FOR SINGLE PROGRAM:
- MCBA member: $45
- Non-members: $60
- Law student members: $10

THURSDAY • MARCH 26
12-1 P.M. (Lunch included)

Litigators’ Toolbox
1 credit hour

LOCATION:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

This intermediate to advanced program will focus on the many timesaving and productivity-enhancing tools available to litigators for every stage of the litigation workflow. You’ll see how tools such as LiveNote(m), Docecker, Appellate Brief, Trial Court Filing, Jury Verdicts, and Westlaw’s Legal Calendaring help litigators meet the growing challenges of today’s complex litigation world.

PRESENTER: John E. Day II

SPONSORED BY: MCBA

COST:
- Litigation section member: $35
- MCBA member: $40
- Non-member: $60
- Law student members: $10

THURSDAY • APRIL 16
7:30-9:30 A.M. (Breakfast included)

Drafting for the Arizona Trust Code
2 credit hours; Estate and Trust Law specialization credit available

LOCATION:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

Arizona’s recently enacted Trust code provides new opportunities for drafters of estate planning documents. In this intermediate seminar, you will learn how to draft (with examples of sample language) documents that use the ATC’s new provisions and options, such as the inclusion of ALT provisions, unit-trust provisions, specialized spendthrift clauses, utilization of trust protectors, establishing the settlor’s intent, modification and termination of irrevocable trusts, accounting bifurcation of trustee duties, and certifications of trust. The speakers will also examine sample language in a discussion of how you can put the new ATC to work for your clients.

PRESENTERS:
- James W. Ryan, Fraser Tyrn Goldberg & Arnold, LLP
- T. James Lee, Fennemore Craig, PC

SPONSORED BY: Estate Planning, Probate & Trust Section

COST:
- EPPT section member: $55
- MCBA member: $65
- Non-member: $105
- Law student members: $5

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Refunds, less a $10 fee, will be issued only if the CLE department receives your cancellation, in writing, at least two business days prior to the program.

REGISTRATION:
Please mark boxes under CLE programs to indicate which classes you wish to attend.

12-1 P.M.
TUESDAY, APRIL 21
Writing a Book: It’s Not for Sissies
1 credit hour

LOCATION:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

Research: Essential for non-fiction and fiction
Resources: Books, blogs, magazines, conferences, clubs and book doctors

Agents: Scare and scary
Writing the book: Just open a vein
Revising the book: Just open an artery
Publishing: Just have open heart surgery with a dull knife and no anesthesia
Publishers: The contract
Self-publishing: Pros and cons
Copyright: Not a big deal
Rejection: Inevitable
Query: What’s the book “about”? Marketing: You’re on your own

PRESENTERS:
- Peter Baud, Lewis & Roca, LLP
- Gary Stuart, Gary Stuart, PC

SPONSORED BY: MCBA

COST:
- MCBA member: $40
- Non-member: $60
- Law student members: $10

TUESDAY • MAY 12
12-1 P.M.
Estate Planning, Probate & Trust Law
1 ethics credit hour

LOCATION:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

Learn from cases decided by the Arizona Supreme Court and the Disciplinary Commission on the Rules of Professional Conduct applicable to public lawyers, including honesty, improper cross-examination, failure to disclose evidence, conflict of interest, improper sexual relations, and more.

PRESENTER: Jessica Farkhousen

SPONSORED BY: Public Lawyers Division

COST:
- PLD member: $35
- MCBA member: $40
- Non-member: $60
- Law student members: $10

Colony Writing: It’s Not for Sissies

Location:
2001 N. 3rd Street, Suite 204; park in the MCBA building lot

Research: Essential for non-fiction and fiction
Resources: Books, blogs, magazines, conferences, clubs and book doctors

Agents: Scare and scary
Writing the book: Just open a vein
Revising the book: Just open an artery
Publishing: Just have open heart surgery with a dull knife and no anesthesia
Publishers: The contract
Self-publishing: Pros and cons
Copyright: Not a big deal
Rejection: Inevitable
Query: What’s the book “about”? Marketing: You’re on your own

PRESENTER: Jessica Farkhousen

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COST:
- PLD member: $35
- MCBA member: $40
- Non-member: $60
- Law student members: $10

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Fire Does Its Worst, MCBA Moves On...Again
Bar Experiences Second Fire in Three Years

The day after the fire, MCBA found convenient, temporary office space directly across the street from the burned building, at 2001 N. 3rd Street, Suite 204. In its new location, MCBA has space for meetings, CLE programs, Lawyer Referral Service, and most other bar functions.

Executive Director Allen Kimbrough contemplates damage the day after the fire. Except for the roof and shattered windows, the building appears remarkably intact.

Office cubicles near the server room, where the fire apparently started, were destroyed by flames, as were these adjacent file cabinets.

The new MCBA location is on the northeast corner of 3rd Street and Palm Lane. MCBA's suite is in the south side of the L-shaped building. Shown here is the inner courtyard, with the bar's offices upstairs.

This office, at left, shows the triple whammy of flames, smoke and water, compared to this office, at right, which received mostly smoke and water damage that permeated drawers and files.
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